

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA

V.

VICTOR GUILLERMO LIRA-AVALOS

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CASE NO. 1:22-CR-00267

MOTION FOR DISCOVERY AND INSPECTION OF EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, VICTOR GUILLERMO LIRA-AVALOS, the Defendant in the above styled and numbered cause, presents this Motion for Discovery and Inspection of Evidence:

I.

The Defendant moves the Court to order the U.S. Attorney's Office to produce and permit the inspection and analysis or testing of and copying and/or photographing of, by or on behalf of the Defendant, the following designated items:

1. All confessions, admissions and statements, in writing, signed by the Defendant, in connection with this offense with which the Defendant is herein charged.

2. All confessions, admissions and statements, oral in nature made by the Defendant in connection with the offense with which the Defendant is herein charged.

3. All oral, written and recorded statements or memoranda of same made by the Defendant to any investigating officer or to any member of any law enforcement agency or to any third party and in the possession of or within the knowledge of the U.S. Attorney's office or any agent thereof, including any law enforcement agency.

4. Any videotapes, recordings or films in the possession of any investigating agency or the prosecution.

5. All fingerprints, palm prints, and foot prints, and reports of same, alleged by the Government to have been made by the Defendant in the commission of the offense with which the Defendant is herein charged.

6. All photographs, drawings and charts made by the U.S. Attorney's office or any agent thereof, including any law enforcement agency, which were made with reference to this case, and including any said photograph, drawing or chart of the scene of said photograph, drawing or chart of the scene of the crime and the scene of the Defendant's arrest.

7. All photographs, negative prints not developed for any reason that were made by the U.S. Attorney or any of his agents, including any law enforcement agency, in the investigation of this case, which have not been produced for inspection by the Defendant.

8. The prior criminal record of all the witnesses whom the U.S. Attorney intends to call during the trial of the cause against the Defendant, including all arrest and convictions, whether as a juvenile or as an adult.

9. All documents, papers, books, accounts, letters, objects and tangible things which are the property of any person which are in the possession, custody and control of the prosecutor as a result of the investigation which resulted in the instant indictment or complaint and which are material evidence in this case as to the Defendant's guilt or innocence or as to the punishment, if any.

10. All evidence which might tend in any manner to exculpate the Defendant on the issue of guilt or innocence or which might be favorable to the Defendant upon such issue.

11. All evidence which might tend in any manner to mitigate the punishment of the accused for the offense with which he is charged.

It is requested that the order sought herein be continuing in nature and that the Courts, specifically order the prosecutor to amend the items ordered by the Court to be discovered hereunder in the event information relevant to these requests subsequently comes to the attention of the prosecutor. Further, the Defendant requests that the Government be ordered to exercise reasonable diligence in ascertaining any of the matters requested herein and that the State be required to produce and allow discovery by the Defendant of all such items ordered by the Court which may, or should, by the exercise of reasonable diligence, come to the attention of the prosecuting authorities herein.

II.

In support of the motion, the Defendant would show the Court as follows:

1. The items requested are in the exclusive possession, custody and control of the United States Government by and through its agents, the police or the prosecuting attorneys' office, and the Defendant has no other means of ascertaining the disclosure requested.
2. The items requested are not privileged.
3. The items and information are material to this cause and the issues of guilt or innocence and punishment to be determined in this cause.
4. The Defendant cannot competently go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.
5. That absent such discovery, Defendant's rights will be violated, to his irreparable injury and thus derive the Defendant of a fair trial herein.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this honorable Court will grant this Motion for Discovery and Inspection of Evidence.

Respectfully submitted,
LAW OFFICE OF EDDIE LUCIO

/s/ Eddie Lucio
Eddie Lucio
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CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on April 22, 2022 I have conferred with the Assistant U.S. Attorney, David A. Lindenmuth, about this Motion for Discovery and Inspection of Evidence.

/s/ Eddie Lucio
Eddie Lucio

CERTIFICATE OF SERVICE

I hereby certify that on this the 25th day of April 2022, a true copy of the foregoing Motion for Discovery and Inspection of Evidence was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties.

/s/ Eddie Lucio
Eddie Lucio